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UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
REGION 28

NP SUNSET LLC d/b/a SUNSET STATION  
HOTEL AND CASINO

and

INTERNATIONAL UNION OF OPERATING  
ENGINEERS LOCAL 501, AFL-CIO

Case 28-CA-225263

**JOINDER IN MOTION FOR  
SUMMARY JUDGMENT AND  
REQUEST FOR REMEDIES**

The Charging Party hereby joins in the General Counsel's Motion to Transfer to the Board and for Summary Judgment.

The Charging Party requests additional appropriate and necessary remedies:

1. Any Board Notice should be posted for the length of time between when the unfair labor practice began and when the Notice is posted;
2. The employer should be directed to provide signed copies of the Board's Notice to the Union so the Union can post the Notice and distribute;
3. The employer should be ordered to provide a picture of the posted notice to the Union.

4. The Notice should be revised to add at the top: “We have violated federal law by refusing to bargain with Operating Engineers Local 501. We have additionally refused to provide information that the Union needs to bargain. We have agreed to remedy this violation by bargaining retroactively to the date that the election was conducted. We have agreed to provide the information requested and other remedies”;

5. The employees should be afforded four hours of paid time to read and review the Board’s Order and remedy;

6. The Board’s Notice should be read by a responsible employer official in the presence of a Union representative who can record the reading;

7. Copies of the Board Decision should be provided by the employer to all employees within the bargaining unit from the date of the election to the date of posting.

8. The Board’s decision should be mailed to all employees who worked in the unit but who are no longer employed.

9. The Board should order a broad order because this employer, in various cases, has refused to bargain with the Charging Party. The employer has repetitively engaged in refusal to bargain in this case as well as prior cases. *See* Case Nos. 28-CA-211043, 28-CA-214925 and 28-CA-215326. These employers are wholly owned subsidiaries of the same entity. The employer, through its various casinos, is a repeat violator of the Act. The Board has a duty to demand increasingly stringent remedies when a respondent is a repeat offender. *NLRB v. Local 3, IBEW*, 861 F.2d 44 (2d Cir. 1988) (repeated violations of 29 U.S.C § 158(b)(7) warranted broad order); *NLRB v. Local 3, IBEW*, 730 F.2d 870, 881 (2d Cir. 1984), *enforcing* 265 NLRB 213 (1982) (continuing secondary activities warranted broad order). The order is warranted when a respondent has “a proclivity to violate the Act or has engaged in such egregious or widespread misconduct as to demonstrate a general disregard for the employees’ fundamental statutory rights.” *Hickmott Foods, Inc.*, 242 NLRB 1357, 1357 (1979).

The evidence in this case makes it clear that this employer will continue to refuse to bargain with Local 501 over any slot technicians, even though the Regional Director and the Board have repeatedly found them to be employees. For this reason, a broad order is required.

For these reasons, the General Counsel's motion should be granted promptly with the additional remedies requested by the Charging Party.

Dated: September 19, 2018

WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

By: /s/ David A. Rosenfeld  
DAVID A. ROSENFELD

Attorneys for the Union, INTERNATIONAL UNION  
OF OPERATING ENGINEERS LOCAL 501, AFL-CIO

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## PROOF OF SERVICE

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction this service was made. I am over the age of eighteen years and not a party to the within action.

On September 19, 2018, I served the following documents in the manner described below:

### JOINDER IN MOTION FOR SUMMARY JUDGMENT AND REQUEST FOR REMEDIES

- ☒ (BY ELECTRONIC SERVICE: By electronically mailing a true and correct copy through Weinberg, Roger & Rosenfeld's electronic mail system from [kkempler@unioncounsel.net](mailto:kkempler@unioncounsel.net) to the email addresses set forth below.

#### *Via E-Filing*

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 19, 2018, at Alameda, California.

/s/ Karen Kempler  
Karen Kempler